**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929**

**WP(C).No. 16532 of 2004(R)**

**PETITIONERS:**

1. **M.K.RAJAN, AGED 55 YEARS, S/O.C.RAGHAVAN NAMBIAR, HEADMASTER (RTD), AZHIKODE NORTH U.P.SCHOOL, P.O.AZHIKKAL, KANNUR DISTRICT.**
2. **M.MEMI,AGED 56 YEARS, ASSAINAR, ASSISTANT TEACHER (RTD) KAMALIYA MADRASSA A.U.P. SCHOOL, P.O.IRIKKUR,KANNUR DISTRICT.**
3. **K.A.MUHAMMED THAJUDDEEN,AGED 57 YEARS, S/O.MEMI MUSALIYAR, ASSISTANT TEACHER(RTD), KAMALIYA MADRASSA A.U.P.SCHOOL, P.O.IRIKKUR, KANNUR DISTRICT.**

**BY ADV. SRI.V.A.MUHAMMED, SRI.K.E.HAMZA.**

**RESPONDENTS:**

1. **THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, FINANCE (PENSION-B), DEPARTMENT,SECRETARIAT, TRIVANDRUM.**
2. **THE ACCOUNTANT GENERAL (A&E) KERALA, TRIVANDRUM.**
3. **THE DEPUTY DIRECTOR OF EDUCATION, KANNUR.**

**BY GOVT. PLEADER SRI. MANOJ.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.16532/2004:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE G.O. (P). NO. 328/2003/FIN. OF THE GOVERNMENT DTD. 19/06/2003.**

**EXT.P.2: COPY OF THE G.O. (P). NO. 254/2002/FIN. OF THE GOVERNMENT DTD. 27/04/2002.**

**EXT.P.3: COPY OF THE PENSION PAYMENT ORDER OF THE P.1. DTD. 09/03/2004.**

**EXT.P.4: COPY OF THE -DO- OF THE P.2. DTD. 06/08/2003.**

**EXT.P.5: COPY OF THE -DO- OF THE P.3. DTD. 21/10/2002.**

**EXT.P.6: COPY OF THE APPEAL PETITION FILED BY THE P.1. DTD. 26/04/2004.**

**EXT.P.7: COPY OF THE -DO- OF THE P.2. DTD. 26/04/2004.**

**EXT.P.8: COPY OF THE -DO- OF THE P.3. DTD. NIL.**

**RESPONDENT'S EXHIBITS: NIL.**

**//TRUE COPY//**

**prv.**

**KURIAN JOSEPH, J.**

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**W.P. (C). NO. 16532 OF 2004**

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**Dated this the 30th day of July, 2007.**

**J U D G M E N T**

Petitioners are aggrieved by Exhibit P2 Government Order in the matter of commutation of pension. The grievance mainly pertains to fixing of the cut off date.

2. It is now settled law that in such policy matters, Government is entitled to fix the cut off date. Unless there is challenge that such fixation is discriminatory, or in a hostile manner, no interference is possible.

Therefore, this writ petition is dismissed making it clear that it will be open to the petitioners to move the Government for change in the policy.

**KURIAN JOSEPH, JUDGE.**

smp